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Attorney for Material Witness:
JOSE FILOMENNO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(Honorable BARBARA L. MAJOR)

UNITED STATES OF AMERICA,) CRIMINAL CASE 07CR3110-JM
v.) MAGISTRATE CASE 07MJ8857-PCL
Plaintiff,) DATE: December 13, 2007
) TIME: 10:30 A.M.
JOSE ALFONSO TORRES,) NOTICE OF MOTION
) AND MOTION FOR ORDER
) SETTING VIDEO DEPOSITION
) OF MATERIAL WITNESS
) JOSE FILOMMENO
Defendant.)

TO: ALL NAMED PARTIES AND THEIR ATTORNEYS and ASSISTANT UNITED STATES ATTORNEY, Attorney for Plaintiff, THE UNITED STATES.

PLEASE TAKE NOTICE that on Thursday, December 13, 2007 at 10:30 A.M. in the Courtroom of the Honorable BARBARA L. MAJOR, or as soon thereafter as counsel may be heard, the material witness, JOSE FILOMMESSO, by and through counsel, AL SMITHSON, will bring the above entitled motion.

MOTION

The material witness, JOSE FILOMENNO, by and through counsel,
AL SMITHSON, and pursuant to Rule 15(a) of the Federal

Rules of Criminal Procedure, and pursuant to 18 U.S.C. Section 3144, moves for an order to secure a video deposition of his testimony pending trial, and for an Order for release from custody immediately thereafter.

This motion will be made on the grounds that the witness is unable to meet any condition of release and that his testimony can be adequately secured by deposition and that detention is not necessary to prevent a failure of justice and that further detention imposes a severe hardship on the witness and his family.

This motion will be based upon the Declaration of Attorney AL SMITHSON, the Memorandum of Points and Authorities in support of this motion, and all documents and records on file herein, and upon such oral testimony as the Court may deem proper.

DATED: November 26, 2007

/s/ Al Smithson
AL SMITHSON, Attorney for
JOSE FILOMENNO